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10/23/97

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF TAMARRON**

FIFTH AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this 22nd day of October, 1997, by Tamarron Limited Partnership, an Indiana limited partnership, and Thomas G. Bucci, of Monroe County, Indiana, hereinafter collectively referred to as ("Declarant").

1. On October 1, 1997, Declarant caused to be recorded a Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Tamarron, in office of the Recorder of Monroe County, Indiana, as Instrument Number 716576 in Miscellaneous Record No. 248 at pages 187 through 189, a copy of which is attached to this Fifth Amendment as Exhibit A.

2. This Fifth Amendment is being recorded to make a corrective change only to the title of the attached Amendment, which should have been titled and recorded as the Fifth Amendment, a Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions of Tamarron having been previously recorded on April 11, 1995, in the office of the Recorder of Monroe County, Indiana as Instrument Number 504135 in Miscellaneous Record No. 231 at pages 695 through 698.

IN WITNESS WHEREOF, Declarant has executed this Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions of Tamarron on the date and year first above written.

TAMARRON LIMITED PARTNERSHIP

RECORDED  
A.M. \_\_\_\_\_ P.M. 3:52  
OCT 23 1997  
*J. J. ...*  
RECORDER MONROE CO., IN

By: *Thomas G. Bucci*  
Thomas G. Bucci, President  
Tamarron Development Corporation  
General Partner of  
Tamarron Limited Partnership

*Thomas G. Bucci*  
Thomas G. Bucci, Individually

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STATE OF INDIANA, COUNTY OF MONROE, SS:

Before me, a Notary Public, in and for said County and State, personally appeared Thomas G. Bucci, individually and as President of Tamarron Development Corporation, the General partner of Tamarron Limited Partnership, who acknowledged the execution of this Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for and on behalf of Tamarron Limited Partnership.

Dated this 22<sup>nd</sup> day of October, 1997.

Vicky A. Clifton  
Notary Public

VICKY A. CLIFTON  
Typed or Printed Name

My Commission Expires:

5-27-01

County of Residence: Lawrence

This instrument was prepared by: Rebecca T. Clendening, BINGHAM SUMMERS WELSH & SPILMAN, Showers Plaza Suite 121, 320 West Eighth Street, Bloomington, Indiana 47402-2358, (812) 332-4577.

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OCT 0 1 1997

**FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF TAMARRON**

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FOURTH AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this 3<sup>rd</sup> day of September, 1997, by Tamarron Limited partnership, an Indiana limited partnership, and Thomas G. Buccì, of Monroe County, Indiana, hereinafter collectively referred to as ("Declarant").

**Recitals**

(A) On August 18, 1992, Declarant caused to be recorded a Declaration of Covenants, Conditions and Restrictions of Tamarron, in the office of the Recorder of Monroe County, Indiana, as Instrument No. 214046 in Miscellaneous Record No. 216 at pages 19 through 57, and subsequently amended by First Amendment to Declaration of Covenants, Conditions and Restrictions of Tamarron, recorded July 8, 1994 as Instrument No. 411086 in Miscellaneous Record 227, Pages 133-141, and Second Amendment to Declaration of Covenants, Conditions and Restrictions of Tamarron, recorded July 29, 1994, as Instrument No. 412340 in Miscellaneous Record 227, Pages 451-452, and Third Amendment to Declaration of Covenants, Conditions and Restrictions of Tamarron, recorded September 16, 1994, as Instrument No. 415232 in Miscellaneous Record 228, Pages 570-571, all in the Office of the Recorder of Monroe County, Indiana.

(B) This Fourth Amendment is being recorded to amend Section 11.2 of the Declaration of Covenants, Conditions and Restrictions, as amended in the First Amendment to the Declaration of Covenants, Conditions and Restrictions.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

I. Section 11.2(a)(iii) is hereby amended, to read as follows:

(iii) Each Unit in Tamarron Village.

Each Unit in Tamarron Village will be insured with the same insurance company chosen by the Board of Directors. The limit of insurance for each Unit shall be equal to the full replacement cost thereof as determined by the insurance company and shall include coverage for fixtures, wall coverings, permanent floor coverings, light fixtures, permanently installed appliances, heating and cooling systems, plumbing systems, electrical systems, and all other items permanently attached to and made a part of each Unit. Such insurance coverage shall be for the benefit of the Owner, the Association, and the Owner's Mortgagee (if applicable). The premiums for such insurance shall be added to the monthly assessments for Owners in Tamarron Village. Each Owner shall have the right to purchase at such Owner's expense any additional insurance such

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**EXHIBIT A**

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Owner may deem necessary, and each Owner shall be solely responsible for maintaining homeowner's liability insurance and for insurance on the contents of the Unit and personal property stored elsewhere on the Property. In the event of damage or destruction to any Unit, the Owner, Mortgagee (if applicable) and the Association shall use such insurance proceeds to repair or restore the damaged property. The amount of the total insurance proceeds to be allocated to a particular Unit shall be pro-rated based on the ratio of the replacement cost of the particular Unit to the replacement cost of the Building in which the Unit is located.

IN WITNESS WHEREOF, Declarant has executed this Declaration on the date and year first above written.

TAMARRON LIMITED PARTNERSHIP

By: Thomas G. Bucci  
Thomas G. Bucci, President  
Tamarron Development Corporation  
General Partner of Tamarron Limited Partnership

Thomas G. Bucci  
Thomas G. Bucci, Individually

STATE OF INDIANA, COUNTY OF MONROE, SS:

Before me, a Notary Public, in and for said County and State, personally appeared Thomas G. Bucci, President of Tamarron Development Corporation, the General partner of Tamarron Limited Partnership who acknowledged the execution of this Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for and on behalf of Tamarron Limited Partnership.

Dated this 30<sup>th</sup> day of September, 1997.

Vicky A. Clifton  
Notary Public

My Commission Expires:

VICKY A. CLIFTON  
Typed or Printed Name

5-27-2001

County of Residence: Lawrence

STATE OF INDIANA, COUNTY OF MONROE, SS:

Before me, a Notary Public, in and for said County and State, personally appeared Thomas G. Bucci, who acknowledged the execution of this Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions.

Dated this 30<sup>th</sup> day of September, 1997.

Vicky A. Clifton  
Notary Public

My Commission Expires:

VICKY A. CLIFTON  
Typed or Printed Name

5-27-2001

County of Residence: Lawrence

This Instrument was prepared by: Rebecca T. Clendening, BINGHAM SUMMERS WELSH & SPILMAN, 645 North Walnut Street, Bloomington, Indiana 47404 (812) 332-4577